

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**
Case No.: 3:08-CV-00102

LIGNA ACQUISITION GROUP, LLC,

Plaintiff,

vs.

211 INVESTMENTS, LP; BRTC
INVESTMENTS, LP; GOLF CLUBS OF
AMERICA, LP; SFR 751 BRIGGS, LLC;
BRIGGS RANCH GRAND VACATION
CLUB, LP; HOLLY HILLS GP, LLC;
BRIGGS GP, LLC; and DANIEL L. BAILEY,
in his representative capacity as Trustee of the
Bailey Family Trust,

Defendants and Counterclaim
Plaintiffs.

211 INVESTMENTS, LP; BRTC
INVESTMENTS, LP; GOLF CLUBS OF
AMERICA, LP; BRIGGS, LLC; BRIGGS
RANCH GRAND VACATION CLUB, LP;
HOLLYHILLS GP, LLC; BRIGGS GP, LLC;
and DANIEL BAILEY and MARLENE
BAILEY, in their representative capacity as
Trustees of the Bailey Family Trust,

Third Party Plaintiffs,

vs.

MARIO GUESS a/k/a JERRY DEMARIO
GUESS a/k/a J.D. GUESS a/k/a JERRY D.
GUESS, LIGNA ACQUISITION GROUP,
LLC, ESCROW FINANCIAL
CORPORATION, and THP ESCROW
SERVICES CORPORATION,

Third Party Defendants.

**AMENDED ORDER GRANTING
MOTION FOR ATTACHMENT AND
GARNISHMENT OF THE PROPERTY
OF PLAINTIFF LIGNA ACQUISITION
GROUP, LLC and EX PARTE MOTION
FOR ATTACHMENT AND
GARNISHMENT OF THE PROPERTY
OF THIRD PARTY DEFENDANT MARIO
GUESS a/k/a JERRY DEMARIO GUESS
a/k/a J.D. GUESS a/k/a JERRY D. GUESS**

Upon consideration of the Verified Answer, Counterclaim, Third Party Complaint, Motion for Attachment and Garnishment as to the Property of Plaintiff Ligna Acquisition Group LLC and Third Party Defendant Mario Guess a/k/a Jerry DeMario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess, and supporting Memorandum of Law of 211 INVESTMENTS, LP; BRTC INVESTMENTS, LP; GOLF CLUBS OF AMERICA, LP; SFR 751 BRIGGS, LLC; BRIGGS RANCH GRAND VACATION CLUB, LP; HOLLYHILLS GP, LLC; BRIGGS GP, LLC; and DANIEL BAILEY and MARLENE BAILEY, in their representative capacity as Trustees of the Bailey Family Trust, (referred to herein as "Defendants"), it is hereby ORDERED and DECREED until further hearing and further notice of this Court that:

1. Defendants' Motion for Attachment and Garnishment of Property of Plaintiff Ligna Acquisition Group and Third Party Defendant Mario Guess a/k/a Jerry DeMario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess is GRANTED.

2. Pre-judgment attachment Orders against Ligna and Guess pursuant to N.C. Gen. Stat. § 1-440.1, et. seq. are hereby issued. Said Orders shall be applicable to any and all account(s) in which Ligna or Guess have any stake or interest whatsoever, including those accounts in the names of other individuals or entities but in which Ligna and/or Guess (either individually or as an officer of Ligna or those other entities), has signatory rights or powers and/or withdrawal rights or powers and/or deposit rights or powers.

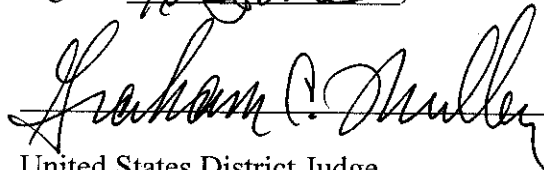
3. Pre-judgment garnishment process against Plaintiff and Third Party Defendants and the bank which received Defendants' deposits on behalf of Ligna pursuant to N.C. Gen. Stat. §§ 1-440.21 – 440.32 (SunTrust and First Charter) are hereby issued. Said Orders shall be applicable to any and all account(s) in which Ligna or Guess have any stake or interest whatsoever, including those accounts in the names of other individuals or entities but in

which Ligna and/or Guess (either individually or as an officer of Ligna or those other entities), has signatory rights or powers and/or withdrawal rights or powers and/or deposit rights or powers; and

4. Defendants bond is hereby set at Ten Thousand and No/100 Dollars (\$10,000.00).

SO ORDERED.

Signed: 16 June, 2008


United States District Judge